

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6831 OF 2003

Smt. Prabhavati S. Labdhe

..Petitioner

Versus

The Assistant Registrar and others

...Respondents

Mr. Mahendra S. Kumthekar for the petitioner.

Mr. S.R. Nargolkar, Assistant Government Pleader, for respondent Nos. 1 and 4.

CORAM: **V.G. PALSHIKAR, Ag. C.J., &**
V.M. KANADE, J.

DATE: **JULY 28, 2006.**

P.C.

By this petition, the petitioner has impugned the notice of auction dated 23rd September, 2003, issued by the Recovery Officer.

2. The contention of the petitioner is, as disclosed from paragraph 3 of the petition, that the petitioner never obtained any loan on the basis of the room sought to be auctioned. She also never stood guarantee to anybody else's name and, therefore, her premises could not have been auctioned for recovery of money, payment of which was never guaranteed by her. This objection can be raised before respondent No.3 with a prayer to remove the seal put on the movable

properties recovered from the room belonging to the petitioner. Till the adjudication of the notice dated 23rd September, 2003 by respondent No.3, *status quo* in relation to the properties covered by the notice be maintained. Respondent No.3 should decide the notice as early as possible, preferably in three months. Petition is accordingly disposed of.